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EXAMINER

CHANG, VICTOR S

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1794

NOTE

1. Applicants argue at Remarks page 2

“The claims recite that the copolymer block S has a vinyl bond content of from 5% to less than 40% as measured with respect to conjugated diene monomer units. On page 7 of the Office Action, the Examiner indicates that the vinyl content is interpreted as merely reciting the monomer ratio between the styrene and butadiene monomers. The Examiner appears to misunderstand the great importance of this feature, as described below.”

After a careful review, the examiner regrets the inadvertent error and withdraws the interpretation in the parenthesis following the phrase “the vinyl bond content with respect to diene monomer”, because it is self explanatory and no further interpretation is needed. Similar arguments at pages 4-5 are moot for the same reason set forth above.

Applicants argue at page 3

“Karande '529 is directed to fabricated articles prepared from blends of substantially random ethylene/propylene/vinyl aromatic monomer interpolymers with propylene homopolymers or copolymers (see page 1, lines 4-6 of Karande '529). Karande '529 has no teaching or suggestion about the hydrogenated copolymer (A) used in the present invention. More specifically, with respect to at least features (I) and (11) of the hydrogenated copolymer (A), Karande '529 has no teaching or suggestion. On this point, more detailed explanation is given below.”

However, the claim language under the open transitional term "comprised of" fails to exclude Karande's copolymer, applicants may wish to further clarify the intended scope of the claimed invention, such as by using closed transitional term “consists of”.

Applicants argue at page 6

“Applicants referred to polymers EPS 1, EPS 2 and ES 1 as polymers which contain styrene monomer units but which do not contain butadiene monomer units, and showed in their previous response that even polymers EPS 1, EPS 2 and ES 1 do not have a styrene monomer unit content within the range defined in feature (II). Therefore, it is apparent that Karande '529 has no teaching or suggestion about feature (II) of the hydrogenated copolymer (A) used in the present invention.”

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However, regarding (I-2), the vinyl content with respect to diene monomer units merely recite the vinyl content in the end product over a wide range, which is useful for crosslinking, and result effective for the properties of crosslinked end product. A workable vinyl content over a wide range is deemed to be an obvious routine optimization to one of ordinary skill in the art, motivated by the desire to obtain required properties for the same end use as the claimed invention. Finally, the examiner maintains that the referred examples are immaterial to the issues being compared with.

For the same reasons set forth above, applicants' argument at page 6 regarding flexibility and shock-absorbing property are unpersuasive.

Regarding the species election, applicants comment at page 7

“Applicants submit that it is improper for the Examiner to change the meaning of the October 13, 2006 Election of Species requirement to something different from what both Applicants and the Examiner understood to be the meaning at that time.”

However, since the Office action has clearly reasoned the response to applicants' argument filed 4/23/2008, and there was no harm to the application being expressed by applicants, it is believed that the issue has been fully resolved.